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August 12, 2022

*Via ECF*

Hon. Laura Taylor Swain  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

## **MEMO ENDORSED**

Re: *K.A., et al. v. City of New York, et al.*, 16-cv-04936 (LTS) (KNF) (SDNY)

Your Honor:

I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, the Corporation Counsel of the City of New York, assigned to the defense of the above-referenced action on behalf of defendant City of New York (the "City").

I am writing to respectfully request modification of the Scheduling Order of today (ECF No. 164) because of an error in the parties' proposed Scheduling Order submitted (ECF No. 163) with respect to the defendants' anticipated Rule 72 appeal. Yesterday, on August 11, 2022, the Court granted an application, upon consent, to extend the time to file an appeal of the Magistrate Judge's July 28, 2022 Order denying a stay of discovery, from August 11, 2022 to August 16, 2022. (ECF No. 162) Unfortunately, the schedule for that motion contained in the parties' proposed Scheduling Order unintentionally contained the original due date for the appeal, not the extended date. This was not consistent with the agreement of the parties.

Accordingly, defendants respectfully request, with the consent of plaintiffs, that the Court amend the briefing scheduled for the appeal to account for the extension, as follows, consistent with the Court's Order at ECF No. 162.

Appeal Due August 16, 2022

Response Due August 23, 2022

This is the second request for extension of the deadline for the Rule 72 appeal; the first request was granted upon consent, for the same date as is requested today.

We thank the Court for its consideration of this matter.

The foregoing request is granted. DE 165 is resolved.  
SO ORDERED.  
/s/ Laura Taylor Swain, Chief U.S. Dist. Judge  
August 12, 2022

Respectfully submitted,

*Alan H. Scheiner* /s/

Alan H. Scheiner  
Senior Counsel  
Special Federal Litigation Division

cc: All Counsel (via ECF)